

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

THE STATE OF ILLINOIS,)	
<u>ex rel</u> LISA MADIGAN, Attorney)	
General of the State of Illinois,)	CIVIL ACTION NO.
)	
Plaintiff,)	05 C 50245
)	
v.)	Judge Bucklo
)	
BFI Waste Systems of North)	
America, Inc.; et al.,)	
)	
Defendants.)	

UNOPPOSED MOTION OF THE STATE OF ILLINOIS
FOR ENTRY OF CONSENT DECREE AND TO ADD ADDITIONAL
SIGNATORIES

Plaintiff, the State of Illinois ("Illinois"), hereby moves this Court for entry of the Consent Decree that is attached hereto. In support of this Unopposed Motion, Illinois states as follows:

1. On December 27, 2005, Illinois filed a complaint under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601 et seq. ("CERCLA"), against the above named Defendants ("Settling Defendants"), seeking the recovery of response costs and an injunction regarding a Superfund site located in Belvedere, Illinois.

2. On the same day as the filing of the complaint, Illinois moved to lodge a Consent Decree among Illinois and

the Settling Defendants that fully resolved the claims in the complaint.

3. On January 4, 2006, this Court, Reinhard, J., granted Illinois' Motion to Lodge the Consent Decree. (This matter has subsequently been reassigned by Order of the Executive Committee to Judge Bucklo).

4. The Consent Decree was "lodged" with this Court in order to enable Illinois to comply with 42 U.S.C. § 9622(d)(2)(A) and (B) and Paragraph 164 of the Consent Decree to give the public the opportunity to comment on the Consent Decree. Illinois published notice of the lodging of the Consent Decree in the Illinois Register on January 20, 2006. (Volume 30, Issue 3, Page 1136, January 20, 2006). Persons wishing to comment on the Consent Decree had thirty days from the date of the publication to submit comments.

5. Illinois did not receive any comments on the Consent Decree.

6. The Consent Decree attached to this Unopposed Motion differs from the one attached to the Notice of Lodging in non-material respects. Specifically, Appendix D has been revised to include Lucky Stores, a party which had been named in the complaint and submitted a signature page

to the Consent Decree but had inadvertently not been included in Appendix D.

7. Additionally, since the initial lodging of the Consent Decree with the Court, signature pages for there additional Settling Defendants (Dell Foods, Enzyme Bio-Systems, Ltd. And Hilander Foods) have been received and are attached to the Consent Decree.

WHEREFORE, Illinois respectfully requests this Court to sign the Consent Decree attached hereto, and enter the Consent Decree as a final judgment.

Respectfully submitted,

FOR THE STATE OF ILLINOIS

Ex rel. LISA MADIGAN,

Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
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By: /s/ Gerald T. Karr
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